

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Blanton Banks, II,

Plaintiff,

vs.

Trans Union LLC, et al,

Defendant.

2:21-cv-01580-CDS-VCF

Order

Defendants US Auto Credit Purchase, I.Q. Data International Inc., and Trans Union LLC filed motions to extend time to file responses to the amended complaint. ECF Nos. 155, 156, and 157. Pro se plaintiff Blanton Banks II opposed the motions and signed his opposition as an “authorized representative.” ECF No. 159. I also note that the plaintiff signed his amended complaint as the “authorized representative.” These defendants have now filed their motions to dismiss and answer. ECF Nos. 162, 163, and 164. I grant the defendants motions to extend time. See *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010) (Fed. R. Civ. P 6(b) “[is] to be liberally construed to effectuate the general purpose of seeing that cases are tried on their merits.”).

Federal Rule of Civil Procedure 11(a) states that, “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—**or by a party personally if the party is unrepresented.**” (Emphasis added). I find that plaintiff’s use of the disclaimer “authorized representative” improperly implies that he is an attorney by calling himself an authorized representative in his signature line. I find that plaintiff’s signature on his opposition and on the amended complaint does not comply with Rule 11. Although plaintiff is pro se, he must follow the Rules of Civil Procedure and the rules of this court. Rule 11(a) allows a party to correct promptly a signature deficiency, and courts have permitted pro se plaintiffs to sign complaints to avoid dismissal.

1 *Becker v. Montgomery*, 532 U.S. 757, 764, 121 S. Ct. 1801, 149 L. Ed. 2d 983 (2001). "Correction can
2 be made," the Rules Advisory Committee notes, "by signing the paper on file or by submitting a
3 duplicate that contains the signature." Advisory Committee's Notes on Fed. Rule Civ. Proc. 11, 28
4 U.S.C. App., p. 666.

5 Accordingly,

6 I ORDER that defendants US Auto Credit Purchase, I.Q. Data International Inc., and Trans
7 Union LLC's motions to extend time to file responses to the amended complaint (ECF Nos. 155, 156,
8 and 157) are all GRANTED.

9 I FURTHER ORDER, sua sponte, that by **Tuesday, September 5, 2023**, plaintiff must correct
10 the deficient signature on his amended complaint (ECF No. 12) by filing a CORRECTIVE NOTICE
11 with a duplicate amended complaint that contains his signature, without the disclaimer "authorized
12 representative" in his signature line.

13 I FURTHER CAUTION plaintiff that continuing to file papers that do not comply with the rules
14 or orders of this Court may result in adverse consequences, including possible sanctions or a finding that
15 he is a vexatious litigant.

16 **NOTICE**

17 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
18 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
19 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
20 may determine that an appeal has been waived due to the failure to file objections within the specified
21 time. *Thomas v. Arn*, 474 U.S. 140, 142, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

22 This circuit has also held that (1) failure to file objections within the specified time and (2)
23 failure to properly address and brief the objectionable issues waives the right to appeal the District
24 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
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1 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
2 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
3 change of address. The notification must include proof of service upon each opposing party's attorney,
4 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
5 result in dismissal of the action.

6 IT IS SO ORDERED.

7 DATED this 21st day of August 2023.

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9 CAM FERENBACH
10 UNITED STATES MAGISTRATE JUDGE
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